

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI

IN RE:)
))
ALFRED RAY JUDIE,) Case No. 06-40031
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))
Debtor.)

ORDER DENYING MOTION TO EXTEND AUTOMATIC STAY

Debtor had a previous case dismissed, within one year prior to the filing of this case, because of his failure to file tax returns. Along with the filing of the bankruptcy, the debtor filed a motion to extend the automatic stay beyond the 30-day period provided by §362(c)(3)(A) of the Bankruptcy Code. While debtor has a wage order in place which would apparently be sufficient to make Plan payments, debtor offered no evidence that the tax returns have in fact been filed. Section 362(c)(3) provides that in circumstances such as this one the automatic stay may only be extended if the court finds by clear and convincing evidence that the filing of this case was in good faith, either because there has been a substantial change in the financial and personal affairs of the debtor since the dismissal of the prior case, or because of any other reason the court is able to conclude that this case will result in a confirmed Plan that will be fully performed. Given that the debtor has offered no evidence that he has rectified the problem with the first case — the tax returns — I find that he has not demonstrated either a substantial change in his financial and personal affairs or any other reason to conclude that he will be able to successfully complete this Chapter 13 case. Accordingly, the motion of the debtor to extend the automatic stay is DENIED.

IT IS SO ORDERED.

/s/ Arthur B. Federman
Bankruptcy Judge

Date: January 31, 2006.

#14

** FRANK BROWN IS DIRECTED TO SERVE ALL PARTIES OF RECORD **